

CITY OF POMONA

RULES AND REGULATIONS FOR SIDEWALK VENDING

1. Trash and Sanitation. Vendors are responsible for maintaining clean vending sites. To this end, vending carts shall be equipped with trash receptacles large enough to ensure proper disposal of trash generated by vending operations, including food wrappers, containers, and utensils. Vendors may not dispose of such trash in City street or park trash cans intended for use by the general public.
 - (a) A vendor shall pick up all refuse generated by his or her sidewalk vending operations within a 10-foot radius of the vendor's cart before such cart is moved.
 - (b) A sidewalk vendor shall not discharge any liquid (e.g. water, grease, oil, etc.) onto or into city streets, storm drains, catch basins, or sewer facilities.
2. Placement and Clearances.¹ No person shall install, use, or maintain any vending cart which projects onto, into, or over any sidewalk or parkway when such installation, use or maintenance endangers the safety of persons or property, or when such site or location is used for public utility purposes, public transportation purposes or other governmental use, or when such cart unreasonably interferes with or impedes the flow of pedestrian or vehicular traffic, the ingress into or the egress from any residence or place of business, or the use of poles, posts, driveways, traffic signs or signals, hydrants, mailboxes, or other objects permitted at or near said locations. No sidewalk vendor shall obstruct or cause to be obstructed the passage of any sidewalk, street, avenue, alley or any other public place, by causing people to congregate at or near the place where goods, wares, food, or merchandise of any kind is being sold or offered for sale.
 - (a) No cart may be placed or sidewalk vending occur at the following sites:
 - (1) On any public property other than a public sidewalk or pedestrian path as those terms are defined in Pomona City Code section 30-671;
 - (2) Within three (3) feet of the following structures:
 - (A) Street lights
 - (B) Edges of tree wells
 - (C) Parking meters
 - (D) Street furniture (e.g., benches and bike racks)
 - (E) Newsstands

¹ Hat Tip: Section 2 and the diagrams referenced therein are drawn from the General Rules and Regulations for Sidewalk Vending established by the City of Los Angeles Bureau of Street Services.

- (3) Within five (5) feet of fire hydrants or the edge of an existing driveway;
 - (4) Within two (2) feet of any existing utility box, utility structure, valve, or vault;
 - (5) Within 18 inches of the curb,
 - (6) At the intersection of two sidewalks bounded by the curb return (see Diagram 1).
 - (7) Within three (3) feet of another vendor (see Diagram 2);
 - (8) At bus stop locations or red curbs (see Diagram 3);
 - (9) Upon or within any roadway, median strips, pedestrian islands, or bikeways;
 - (10) Within twenty (20) feet of an entrance or exit door to any building, including, but not limited to, any theater, movie house, house of worship or place of public assembly;
 - (11) Within two-hundred (200) feet of a certified farmers' market or a swap meet during the limited operating hours of these events;
 - (12) Within two-hundred (200) feet of a site designated by a temporary event permit, for the limited duration of the permitted event, including, but not limited to, construction related street or lane closures, street fairs, filming, and the Pomona Arts Colony during the hours of the 2nd Saturday Artwalk. (Any notice, business interruption mitigation, or other rights afforded to affected businesses or property owners under the City's temporary event permit shall also be afforded to a sidewalk vendor specifically permitted to operate in the area.)
- (b) No vending cart may operate at a location if the cart would reduce the pedestrian access route clearance on the path or sidewalk to a width of less than five (5) feet.
 - (c) No vending cart may occupy more than one-third (1/3) the depth of an existing sidewalk or project more than five (5) feet from the edge of the curb into the sidewalk, whichever distance is smaller. (See Diagram 3.)

3. Restricted Vending Locations.

- (a) No vendor may operate within two-hundred (200) feet of the following locations:
 - (1) Fox Theater for a period beginning one hour before and ending one hour

after any scheduled event;

- (2) Fairplex every day of the Los Angeles County Fair; and
 - (3) Any public or private kindergarten, elementary, or secondary (K-12) school from 6:00 a.m. to 4:00 p.m. on days that school is open to students.
- (b) Vending in parks is restricted to a park's paved pedestrian paths.
- (1) No sidewalk vending is permitted on ballfields, grass turf, playground areas, or other unpaved trails or paths.
 - (2) A cart may not be located on a path if the cart would reduce the pedestrian access route clearance thereon to a width of less than five (5) feet.
 - (3) Stationary sidewalk vendors may not operate in a park if the park operator has entered an exclusive concessions agreement with a third party.
 - (4) All vendors must cease operating 20 minutes prior to park closure.
- (c) Stationary sidewalk vendors may only operate in non-residential zones and in accordance with all other time, place and manner restrictions set forth in Article X, Chapter 30 of the Pomona City Code and these Rules and Regulations.
- (d) Roaming sidewalk vendors may not operate in residential zones between the hours of 8:00 p.m. and 8:00 a.m. daily.
4. Operating Requirements. A sidewalk vendor must operate in compliance with Article X, Chapter 30 of the Pomona City Code and these Rules and Regulations at all times.
- (a) All vendors must display a valid vendor permit and identification card at all times during vending operations.
 - (b) All sidewalk vendors of food must obtain a mobile food facility permit from the Los Angeles County Department of Public Health.
 - (c) Vending activity may not block the entrances to any buildings, driveways, or vehicle parking spaces.
 - (d) Carts and other equipment used in connection with sidewalk vending may not be stored or left unattended in public spaces or in any portion of the public right-of-way. (Equipment or objects left in public spaces or in the public right of-way overnight, or outside the hours of permitted vending operations, will be considered discarded and may be seized or disposed of by the city.)
 - (e) Signs, tables, chairs, shade structure, fences, or other furnishings not approved for use in a sidewalk vending license may not be used in vending operations.

- (f) Vendors may not use any horns, music, flashing lights, digital signs, digital advertising, any other visual media, or any sound amplifying device unless expressly approved in the vending license.
- (g) Sidewalk vendors are not permitted to sell or offer for sale lottery tickets, alcohol, cannabis, adult oriented material, or tobacco or electronic cigarette products.
- (h) Sidewalk vending of services, including rental services, is prohibited.
- (i) Vendors may not connect a cart to any water lines, electrical lines, or gas lines external to the cart during vending operations.
- (j) Vendors may not affix, lean, or touch any sidewalk vending equipment to, on, or against any street fixture or structure, including, but not limited to, utility posts, bus shelters, public trash cans, parking meters, or street signs.
- (k) Carts and vending activity may not physically alter or otherwise damage the underlying sidewalk.
- (l) Vendors must maintain adequate insurance to protect the City from any liability associated with sidewalk vending as determined by the City's Risk Manager, or the Risk Manager's designee, and specified in the license and permit application.
- (m) Carts may not exceed a total length of six (6) feet and a total depth of three (3) feet, including all wheels, axles, and other vending appurtenances.
- (n) Roaming vendors must keep their operations moving except when completing a transaction and may not operate on any city block for more than one (1) hour in any four (4) hour period.

5. License Requirements. Applicants for a sidewalk vending license shall complete a City application that includes the following:

- (A) The name, current mailing address, and telephone number of the applicant cart owner;
- (B) If the applicant is an agent of an individual, company, partnership, or corporation, the name and business address of the principal;
- (C) Proof of the applicant's personal identification. Proof is satisfied if the applicant presents a valid California driver's license or identification number, an individual taxpayer identification number, or any other government-issued identification card. Such information is not a public record and will remain confidential as required by Government Code section 51038(c)(4);
- (D) The number of carts an applicant will operate within the City under the license;

- (E) A description of the food or merchandise to be offered for sale;
- (F) Affirmation that any food carts will be operated by a vendor who has been issued a food handler's card;
- (G) Whether carts will be operated by a stationary sidewalk vendor or a roaming sidewalk vendor;
- (H) A general description of the location(s) in which the applicant proposes to operate, including vending routes along or in proximity to any major cross streets;
- (I) The day(s) and hours of operation at such location(s);
- (J) An agreement by the applicant to defend, indemnify, and hold harmless the City, its officers, and employees from and against any and all claims, demands, damages, actions, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to applicant's sidewalk vending activities;
- (K) An acknowledgement that the use of public property is at a sidewalk vendor's own risk as the City does not ensure public property is safe for or conducive to sidewalk vending;
- (L) Proof of comprehensive general liability insurance with minimum policy limits of one million dollars (\$1,000,000) per occurrence, combined single limit coverage, and two million dollars (\$2,000,000) in the aggregate against any injury, death, loss, or damage resulting from wrongful or negligent acts or omissions by the permittee, with an endorsement naming the City as an additional insured;
- (M) The applicant's certification that, to his or her knowledge and belief, the information contained in the application is true;
- (N) A signed acknowledgment that the applicant has received a copy of these Rules and Regulations and fully understands its contents; and
- (O) Any other relevant information required by the City Manager.

6. Permit Requirements. Applicants for a vendor permit shall complete a City application that includes the following:

- (A) The name, current mailing address, and telephone number of the applicant vendor;
- (B) If the applicant is an agent of an individual, company, partnership, or corporation, the name and business address of the principal;

- (C) Proof of the applicant's personal identification. Proof is satisfied if the applicant presents a valid California driver's license or identification number, an individual taxpayer identification number, or any other government-issued identification card. Such information is not a public record and will remain confidential as required by Government Code section 51038(c)(4);
- (D) A description of the food or merchandise to be offered for sale;
- (E) A copy of the food handler's card issued to any sidewalk vendor of food;
- (F) Whether the vendor will be stationary or roaming;
- (G) The day(s) and hours of operation at such location(s);
- (H) An agreement by the applicant to defend, indemnify, and hold harmless the City, its officers, and employees from and against any and all claims, demands, damages, actions, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to applicant's sidewalk vending activities;
- (I) An acknowledgement that the use of public property is at the sidewalk vendor's own risk as the City does not ensure public property is safe for or conducive to sidewalk vending;
- (J) An acknowledgement that the sidewalk vendor will obtain and maintain for the duration of any permit issued by the City, any insurance of such types and in such amounts as required by the City's Risk Manager or his or her designee;
- (K) The applicant's certification that, to his or her knowledge and belief, the information contained in the application is true;
- (L) A signed acknowledgment that the applicant has received a copy of these Rules and Regulations and fully understands its contents; and
- (M) Any other relevant information required by the City Manager.

7. Definitions. The following definitions shall apply to these rules and regulations:

Cart means a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance used for sidewalk vending.

Cart owner means a person who owns or controls the operations of one or more carts and includes a self-employed, independent sidewalk vendor.

Certified farmers' market means a location operated in accordance with Chapter 10.5 (commencing with Section 47000) of Division 17 of the Food and Agricultural Code and any regulations adopted pursuant to that chapter, or any successor chapter.

Citation means an Administrative Citation issued pursuant to section 2.1184 of Article X, Chapter 2 of this code.

City means the City of Pomona.

City Manager means the City Manager or his or her designee.

County means the County of Los Angeles.

Curb return means the curved section of a curb located at a corner of an intersection, connecting a curb on one street to another curb on the intersecting street. A curb return starts at the point where the curb begins to turn toward the direction of the intersecting street and ends at the point where it meets the curb on the intersecting street.

Food means any type of edible substance or beverage.

Merchandise means any good that is not food or an item for rent.

Park means any public park or recreational facility, including the Pomona City Civic Plaza, under the jurisdiction of the City Parks and Recreation Commission.

Pedestrian path means any paved path or walkway owned or controlled by the City and intended specifically for pedestrian travel.

Roaming sidewalk vendor means a sidewalk vendor who moves from place to place and stops only to complete a transaction.

Rules and Regulations means detailed requirements respecting sidewalk vending designed to supplement this Article.

Sidewalk means a public sidewalk as defined in Sec. 1-2 of this code.

Sidewalk vendor or *vendor* means a person who sells or offers for sale food or merchandise from a cart or from one's person, upon a public sidewalk or other pedestrian path.

Sidewalk vending means commercial activity that qualifies a person as a sidewalk vendor.

Stationary sidewalk vendor means a sidewalk vendor who operates from a fixed location.

Swap meet means a location operated in accordance with Article 6 (commencing with Section 21660) of Chapter 9 of Division 8 of the Business and Professions Code, and any regulations adopted pursuant to that article, or any successor article.

Temporary event permit means a permit issued by the City for the temporary use of, or encroachment on, the sidewalk or other public area, including, but not limited to, an encroachment permit, special event permit, or a permit for gatherings in public parks issued under Sec. 38-76, for purposes including, but not limited to, filming, parades, or outdoor concerts.

Diagram 1

**"Beginning of curb return" BCR means the area that includes the intersection of two sidewalks bounded by the adjoining corner.

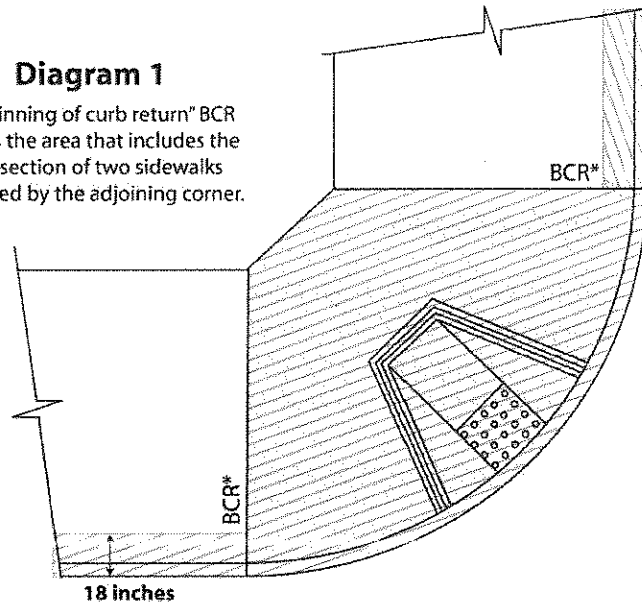


Diagram 2

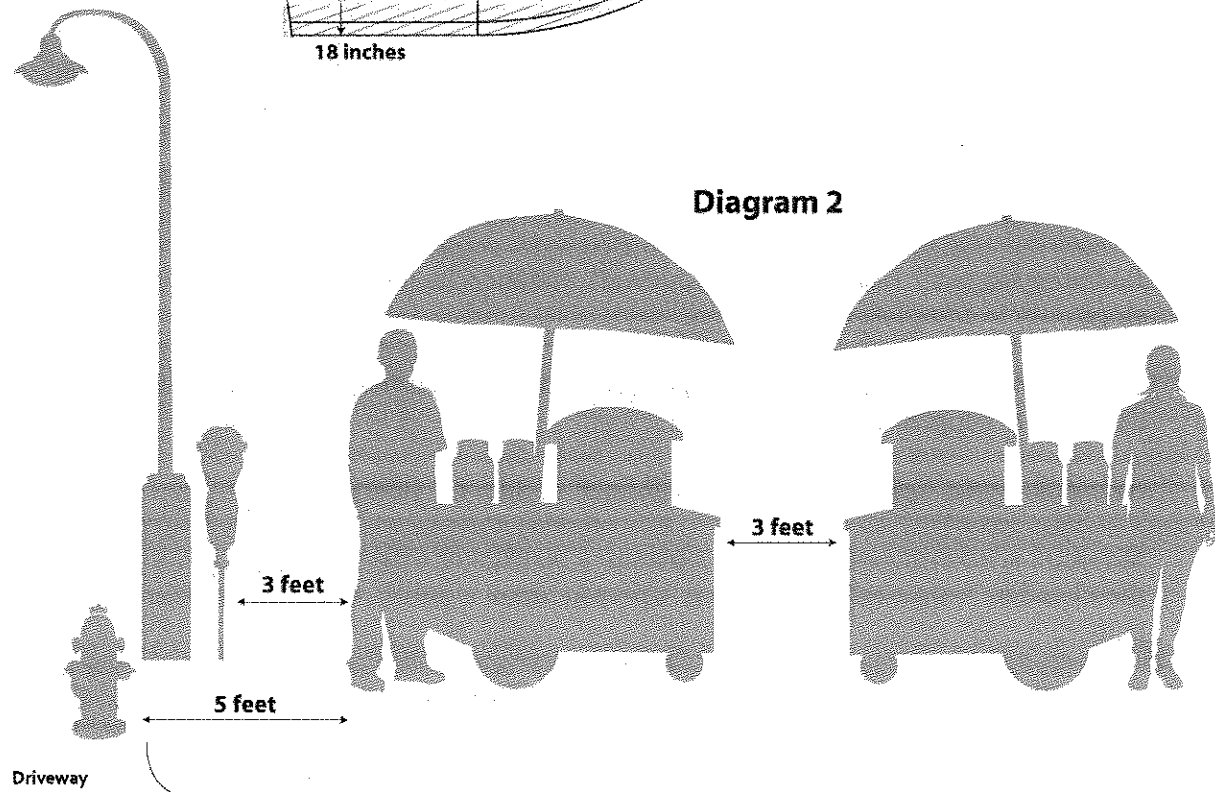
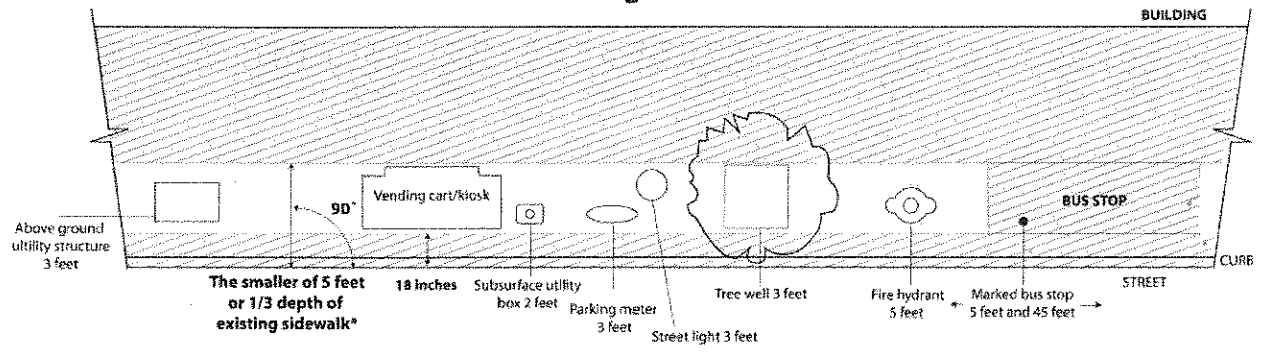


Diagram 3



* Examples: 1/3 of depth of 9' wide sidewalk vendor space would be 3', 6' wide sidewalk vendor space would be 2'.

ARTICLE X. - SIDEWALK VENDING^[9]

Footnotes:

--- (9) ---

Editor's note— [Ord. No. 4270](#), § 2, adopted Oct. 21, 2019, repealed the former Art. X, §§ 30-671—30-674, and enacted a new Art. X as set out herein. The former Art. X pertained to foot and pushcart vendors and derived from Code 1959, §§ 28-410, 28-411, 28-414, 28-415; Ord. No. 3640, § 1(part); and Ord. No. 3834, §§ 1, 2.

Sec. 30-671. - Definitions.

For purposes of this article, the following definitions shall apply unless the context clearly requires a different meaning:

Cart means a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance used for sidewalk vending.

Cart owner means a person who owns or controls the operations of one or more carts and includes a self-employed, independent sidewalk vendor.

Certified farmers' market means a location operated in accordance with Chapter 10.5 (commencing with Section 47000) of Division 17 of the Food and Agricultural Code and any regulations adopted pursuant to that chapter, or any successor chapter.

Citation means an administrative citation issued pursuant to section 2-1184 of article X, chapter 2 of this code.

City means the City of Pomona.

City manager means the city manager or his or her designee.

County means the County of Los Angeles.

Food means any type of edible substance or beverage.

Merchandise means any good that is not food or an item for rent.

Park means any public park or recreational facility, including the Pomona City Civic Plaza, under the jurisdiction of the city parks and recreation commission.

Pedestrian path means any paved path or walkway owned or controlled by the city and intended specifically for pedestrian travel.

Roaming sidewalk vendor means a sidewalk vendor who moves from place to place and stops only to complete a transaction.

Rules and regulations means detailed requirements respecting sidewalk vending designed to supplement this article.

Sidewalk means a public sidewalk as defined in section 1-2 of this code.

Sidewalk vending means commercial activity that qualifies a person as a sidewalk vendor.

Sidewalk vendor or *vendor* means a person who sells or offers for sale food or merchandise from a cart or from one's person, upon a public sidewalk or other pedestrian path.

Stationary sidewalk vendor means a sidewalk vendor who operates from a fixed location.

Swap meet means a location operated in accordance with article 6 (commencing with section 21660) of chapter 9 of division 8 of the Business and Professions Code, and any regulations adopted pursuant to that article, or any successor article.

Temporary event permit means a permit issued by the city for the temporary use of, or encroachment on, the sidewalk or other public area, including, but not limited to, an encroachment permit, special event permit, or a permit for gatherings in public parks issued under section 38-76, for purposes including, but not limited to, filming, parades, or outdoor concerts.

([Ord. No. 4270](#), § 2, 10-21-2019)

Sec. 30-672. - Rules and regulations.

Rules and regulations to implement the sidewalk vending program will be developed and recommended by the city manager and adopted by the city council through resolution. The city shall post the rules and regulations on its website.

([Ord. No. 4270](#), § 2, 10-21-2019)

Sec. 30-673. - License and permit requirements.

(a) *Business licenses.*

- (1) No cart owner may engage in sidewalk vending or engage vendors to operate a cart within the city without first obtaining a business license from the finance department.
- (2) Applicants for a sidewalk vending business license shall submit the information and complete the process set forth in the rules and regulations.
- (3) A business license shall be valid for one year after the date of issuance, unless it is revoked prior to that date.
- (4) No business license is transferable. Any change in ownership or operation of a cart requires a new permit under this article.
- (5) Business licenses must be renewed prior to expiration according to procedures established by the finance director. Unless timely renewed, any license shall become null and void at the end of its term.
- (6) Applicants must pay an application or renewal fee as established by the rules and regulations.

([Ord. No. 4270](#), § 2, 10-21-2019)

Sec. 30-674. - Restricted vending locations.

Vending may be restricted or prohibited in specified limited areas of the city based on objective health, safety, and welfare concerns, or to ensure the public's use and enjoyment of city parks. These restrictions or prohibitions shall be detailed in the rules and regulations and adopted by the city council through resolution.

([Ord. No. 4270](#), § 2, 10-21-2019)

Sec. 30-675. - Operating requirements.

At all times, a sidewalk vendor must operate in compliance with the rules and regulations.

([Ord. No. 4270](#) , § 2, 10-21-2019)

Sec. 30-676. - Application review; grounds for denial.

- (a) The finance director may deny an application for a sidewalk vending business license if he or she makes any of the following findings:
 - (1) Applicant's proposed vending operations violate the requirements of this article or the rules and regulations.
 - (2) The applicant has made one or more material misstatements in the application.
 - (3) The applicant has failed to submit a substantially complete application.
 - (4) The applicant has had a sidewalk vending business license revoked within the preceding 12 months, beginning January 1, 2019.
- (b) If an application is denied, the reasons for denial shall be noted on the application and the applicant shall be notified that a license will not be issued. Notice shall be mailed to the applicant at the address shown on the application form.

([Ord. No. 4270](#) , § 2, 10-21-2019)

Sec. 30-677. - Business license revocation.

- (a) A business license may be revoked for the licensee's fourth or subsequent violation of this article or the rules and regulations, or for any serious violations of the law, including, but not limited to the following:
 - (1) Fraud or misrepresentation in the course of vending;
 - (2) Fraud or misrepresentation in the application for a license or permit;
 - (3) Vending in a manner that creates a public nuisance or constitutes a danger to the public;
 - (4) Engaging in criminal activity in the course of sidewalk vending.
- (b) Notice of a revocation shall be mailed to the named licensee or permittee.

([Ord. No. 4270](#) , § 2, 10-21-2019)

Sec. 30-678. - Exemptions.

- (a) A sidewalk vending business license or permit shall not be required for the following activities:
 - (1) The sale of agriculture products on the site where the product is grown.
 - (2) Catering for private parties held exclusively on private property and not open to the general public.
 - (3) Events permitted pursuant to a lawfully issued temporary or special event permit including but not limited to a certified farmers' market, swap meet, street fairs, outdoor concerts, sport league opening day, and business sidewalk sales

([Ord. No. 4270](#) , § 2, 10-21-2019)

Sec. 30-679. - Appeals.

Decisions to deny an application for a business license or to revoke a business license may be appealed by the applicant or licensee in accordance with the procedures for administrative hearings contained in Pomona City Code section 2-1188.

([Ord. No. 4270](#), § 2, 10-21-2019)

Sec. 30-680. - Penalties.

- (a) A violation of this article or of the rules and regulations shall not be prosecuted as an infraction or a misdemeanor and no person will be subject to arrest for violating this article except when otherwise permitted under law.
- (b) A violation of this article or of the rules and regulations may only be punished by an administrative citation subject to the following schedule of fines:
 - (1) One hundred dollars for a first violation.
 - (2) Two hundred dollars for a second violation within one year of the first violation.
 - (3) Five hundred dollars for the third violation and every subsequent violation within one year of the first violation.
 - (4) A sidewalk vending business license may be revoked for the remainder of its term upon the fourth or subsequent violation.
- (c) Notwithstanding any other provisions of this code, failure to pay an administrative fine assessed under this section shall not be punishable as an infraction or a misdemeanor.
- (d) Additional fines, fees, assessments, or any other financial conditions beyond those authorized by this section shall not be assessed.
- (e) When assessing an administrative fine pursuant to this article, the adjudicator shall take into consideration a vendor's ability to pay the fine.
 - (1) The city shall provide the person with notice of his or her right to request an ability-to-pay determination and shall provide instructions or other materials for requesting an ability-to-pay determination.
 - (2) A person may request an ability-to-pay determination at adjudication or while the judgment remains unpaid, including when a case is delinquent or has been referred to a comprehensive collection program.
 - (3) If a person meets the criteria described in subdivision (a) or (b) of Government Code section 68632 (respecting the receipt of specified public benefits and monthly income relative to current poverty guidelines, respectively) the city shall accept 20 percent of the amount imposed under subsection (a) of this section as full satisfaction thereof.
 - (4) The city may also allow the person to complete community service in lieu of paying the total administrative fine, waive the fine, or offer an alternative disposition.

([Ord. No. 4270](#), § 2, 10-21-2019)

Secs. 30-681—30-710. - Reserved.